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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,278

12/22/2004

Marcel Wong

9342-11

8905

54414

7590

01/23/2007

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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/519,278	Applicant(s) WONG ET AL.	
	Examiner Brandon J. Miller	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, 11-12, 15-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (US 2001/0021649 A1) in view of Boltz et al. (US 6,044,275).

Regarding claim 1 Kinnunen teaches a method of sending electronic messages from a portable communication device to a selected recipient (see paragraph [0014]). Kinnunen teaches the sender specifying date information (see paragraph [0019]). Kinnunen teaches retrieving first recipient related information from an electronic contact register, the first recipient related information being personal date information associated with the recipient (see paragraph [0019]). Kinnunen teaches sending a pre-configured (archived) electronic message over a network to the recipient based on date information and the first recipient related information (see paragraphs [0014] & [0018] – [0019]). Kinnunen does not specifically teach retrieving date information from an electronic date determination unit and automatically sending electronic messages. Boltz teaches retrieving date information from an electronic date determination unit and automatically sending the pre-configured electronic message over a network to the recipient (see col. 4, lines 63-67 and col. 5, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Kinnunen adapt to include retrieving date information from

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an electronic date determination unit and automatically sending electronic messages as taught in Boltz because the combination would allow for an improved method of creating a birthday greeting message, which would be opened only on the receiver's birthday (Kinnunen see paragraph [0019]).

Regarding claim 4 Kinnunen and Boltz teach a device as recited in claim 1 except for retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the second recipient information. Kinnunen does teach retrieving second recipient related information from the electronic contact register; and sending the pre-configured electronic message over the network to the recipient based on the second recipient information (see paragraph [0019], time or location relates to second recipient information). Boltz does teach automatically sending the pre-configured electronic message over the network to the recipient (see col. 4, lines 63-67 and col. 5, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Kinnunen adapt to include retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the second recipient information because the combination would allow for an improved method of creating a birthday greeting message, which would be opened only on the receiver's birthday (Kinnunen see paragraph [0019]).

Regarding claim 5 Kinnunen teaches wherein the second recipient related information is a message flag (see paragraphs [0019], time or location relates to second recipient related information that is a message flag).

Regarding claim 6 Kinnunen teaches prompting a user, after retrieving date and recipient related information, about sending the message; and sending the message if the user has accepted sending (see paragraph [0017] and FIG. 2 & FIG. 4).

Regarding claim 7 Kinnunen teaches retrieving a name of the recipient from the contact register; and inserting the name into the message prior to sending (see paragraph [0019] and FIG. 2).

Regarding claim 8 Kinnunen teaches sending the message directly to a terminal of the recipient (see paragraph [0014]).

Regarding claim 9 Boltz teaches wherein the message is sent to a remote server, which pushes it to a terminal of the recipient (see col. 4, lines 25-32, SMS service center that stores message relates to remote server).

Regarding claim 11 Kinnunen teaches wherein the contact register is a register containing previously stored information about contacts and how these can be reached (see paragraph [0019]).

Regarding claim 12 Kinnunen teaches a portable communication device for sending electronic messages to a selected recipient (see paragraph [0014]). Kinnunen teaches the sender specifying date information (see paragraph [0019]). Kinnunen teaches an electronic contact register (see paragraph [0019]). Kinnunen a message transfer unit (see paragraph [0014]). Kinnunen teaches a pre-configured message store (see paragraph [0018], memory for archiving message relates to message store). Kinnunen teaches a control unit configured to use date information and first recipient related information relating to a recipient from the electronic contact register and effectuate sending of a pre-configured electronic message to the recipient

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based on the date information and the first recipient related information (see paragraphs [0014] & [0019]). Kinnunen does not specifically teach retrieving date information from an electronic date determination unit and automatically sending electronic messages. Boltz teaches retrieving date information from an electronic date determination unit and automatically sending the pre-configured electronic message over a network to the recipient (see col. 4, lines 63-67 and col. 5, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Kinnunen adapt to include retrieving date information from an electronic date determination unit and automatically sending electronic messages as taught in Boltz because the combination would allow for an improved method of creating a birthday greeting message, which would be opened only on the receiver's birthday (Kinnunen see paragraph [0019]).

Regarding claim 15 Kinnunen and Boltz teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 16 Kinnunen and Boltz teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 17 Kinnunen and Boltz teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 18 Kinnunen and Boltz teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 19 Kinnunen and Boltz teach a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 20 Kinnunen and Boltz teach a device as recited in claim 9 and is rejected given the same reasoning as above.

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Regarding claim 22 Kinnunen teaches a communication device that is a cellular phone (see paragraph [0014]).

Regarding claim 23 Kinnunen and Boltz teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Kinnunen teaches a method of sending electronic messages from a portable communication device to a selected recipient (see paragraph [0014]). Kinnunen teaches the sender specifying date information (see paragraph [0019]). Kinnunen teaches retrieving first recipient related information from an electronic contact register, the first recipient related information being personal date information associated with the recipient (see paragraph [0019]). Kinnunen teaches sending a pre-configured (archived) electronic message over a network to the recipient based on date information and the first recipient related information (see paragraphs [0014] & [0018] – [0019]). Kinnunen does not specifically teach computer program product, retrieving date information from an electronic date determination unit and automatically sending electronic messages. Boltz teaches a computer program product stored on a computer readable medium (see col. 4, lines 38-41). Boltz teaches retrieving date information from an electronic date determination unit and automatically sending the pre-configured electronic message over a network to the recipient (see col. 4, lines 63-67 and col. 5, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Kinnunen adapt to include computer program product, retrieving date information from an electronic date determination unit and automatically sending electronic messages as taught in Boltz because the combination would allow for an improved method of creating a birthday greeting message, which would be opened only on the receiver's birthday (Kinnunen see paragraph [0019]).

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Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnunen et al. (US 2001/0021649 A1) in view of Boltz et al. (US 6,044,275) and Patil (US 6,625,460 B1).

Regarding claim 10 Kinnunen and Boltz teaches a device as recited in claim 1 except for wherein contact information about a recipient is first received from a remote server and then placed in the contact register. Patil teaches wherein contact information about a recipient is first received from a remote server and then placed in the contact register (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make device adapt to include wherein contact information about a recipient is first received from a remote server and then placed in the contact register because the combination would allow for an improved method of creating a birthday greeting message, which would be opened only on the receiver's birthday.

Regarding claim 21 Kinnunen, Boltz, and Patil teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-12, and 15-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Svensson et al. Pub. No.: US 2006/0293068 A1 discloses a method for communicating messages to an electronic communication equipment.

Barker Pub. No.: US 2002/0172331 A1 discloses a telephone message delivering system and method.

Chin Pub. No.: US 2002/0085689 A1 discloses a method and apparatus for remote scheduling.

Bae et al. Pub. No.: US 2002/0086712 A1 discloses a method for providing an occasion date notification function in a phone.

Wei et al. Pub. No.: US 2002/0123359 A1 discloses a network for information transfer for mobile stations.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


January 17, 2007


GEORGE ENG
SUPERVISORY PATENT EXAMINER